

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KENNETH EDWARD BARBOUR,)	
)	
Plaintiff,)	
)	
v.)	No. 4:10-CV-1869-CDP
)	
Y.M. TAYLOR, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before me on plaintiff's failure to pay the statutory filing fee as ordered. On November 10, 2010, I ordered plaintiff to pay the filing fee no later than November 24, 2010. I noted in that Memorandum and Order that plaintiff is not eligible to proceed in forma pauperis because he has had three or more cases dismissed as frivolous or for failure to state a claim upon which relief can be granted during the time he has been incarcerated. See 28 U.S.C. § 1915(g). And I had reviewed the complaint and determined that plaintiff is not "under imminent danger of serious physical injury." Id.

Plaintiff has not paid the filing fee as ordered. Plaintiff has filed a motion to allow him to proceed in forma pauperis on the basis that his constitutional rights have been violated and, therefore, he is in imminent danger. However, plaintiff has failed to show that he is under danger of any *physical* injury. Indeed, each of plaintiff's


allegations regarding imminent danger are conclusory and devoid of any supporting factual allegations. As a result, I will deny the motion to proceed in forma pauperis, and I will dismiss this action for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [Doc. #4] is **DENIED**.

IT IS FURTHER ORDERED that plaintiff's complaint is **DISMISSED** without prejudice for failure to prosecute.

Dated this 7th day of December, 2010.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE